

GENERAL ORDERS, }
No. 25. }

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
Washington, February 3, 1863.

At a Military Commission, which convened at Yorktown, Virginia, the 18th of October, 1862, pursuant to Special Orders, No. 131, dated October 10, 1862, from the Headquarters of the 4th Army Corps, Yorktown, Virginia, and of which Brigadier General HENRY M. NAGLEE, U. S. Volunteers, was President, were arraigned and tried—

1st. Private *William Dormody*, Battery "H," 1st Pennsylvania Artillery.

CHARGE 1st.—"Quitting his post to plunder and pillage."

Specification 1st—"In this; that Private *William Dormody*, Battery H, 1st Pennsylvania Volunteer Artillery, did, on the fifth day of September, A. D. 1862, quit his post for the purpose of plundering and pillaging the citizens of the United States in the county of [York] Virginia. This at the post of his Battery, near Yorktown, Virginia."

CHARGE 2d.—"Assault with intent to kill."

Specification—"In this; that Private *William Dormody*, Battery H, 1st Regiment Pennsylvania Volunteer Artillery aforesaid, did, on the fifth day of September, A. D. 1862, offer violence to the person of one Hezekiah Stokes, of York county, Virginia, a citizen of the United States, while in the peaceful pursuit of his lawful occupation, and did strike, beat, and stab the said Stokes, with intent to kill the said Stokes, of which violence the said Stokes did thereafter die. This at the camp of his Battery, at Yorktown, Virginia."

CHARGE 3d.—"Murder."

Specification 1st—"In this; that he, Private *William Dormody*, of Battery H, 1st Regiment Pennsylvania Volunteer Artillery aforesaid, did, on the 5th day of September, A. D. 1862, with clubs, pistols, and knives, beat, shoot, and stab one Hezekiah Stokes, of York county, Virginia, a citizen of the United States, while in the

peaceful pursuit of his lawful occupation, and of his own malice did him violence, of which violence the said Stokes did thereafter die."

Specification 2d—"In this; that Private *William Dormody* aforesaid, on the 5th day of September, A. D. 1862, while divers malicious persons were assaulting, with clubs, pistols, and knives, Hezekiah Stokes aforesaid, and doing him great personal violence, was present aiding, abetting, and assaulting the same, of which violence the said Stokes did thereafter die. This near the camp of the said *William Dormody*, at Yorktown, Virginia."

To which charges and specifications the prisoner pleaded as follows:

To *Specification*, 1st Charge, "Not Guilty."

To 1st CHARGE, "Guilty," as far as leaving camp without permission; but not for plunder.

To *Specification*, 2d Charge, "Not Guilty."

To 2d CHARGE, "Not Guilty."

To 1st *Specification*, 3d Charge, "Not Guilty."

To 2d *Specification*, 3d Charge, "Not Guilty."

To 3d CHARGE, "Not Guilty."

FINDING.

The Court, after mature deliberation upon the evidence adduced, finds the prisoner as follows:

Of the *Specification*, 1st Charge, "Guilty," so far as leaving camp without permission.

Of the 1st CHARGE, "Guilty," so far as leaving camp without permission.

Of the *Specification*, 2d Charge, "Not Guilty."

Of the 2d CHARGE, "Not Guilty."

Of the 1st *Specification*, 3d Charge, "Not Guilty."

Of the 2d *Specification*, 3d Charge, "Guilty."

Of the 3d CHARGE, "Guilty."

SENTENCE.

And the Court does therefore sentence him, the said Private *William Dormody*, Battery H, 1st Regiment of Pennsylvania Volunteer Artil-

lery, "To be hung by the neck until he is dead, at such time and place as the proper authorities may select."

2d.. Private *Charles Clarke*, Battery "H," 1st Regiment Pennsylvania Volunteer Artillery.

CHARGE 1st.—"Quitting his post to plunder and pillage."

Specification—"In this; that Private *Charles Clarke*, Battery H, 1st Regiment Volunteer Pennsylvania Artillery, did, on the fifth day of September, A. D. 1862, quit his post for the purpose of plundering and pillaging the citizens of the United States in the county of York, Virginia. This at the post of his Battery, near Yorktown, Virginia."

CHARGE 2d.—"Assault with intent to kill."

Specification—"In this; that Private *Charles Clarke*, Battery H, 1st Regiment Pennsylvania Volunteer Artillery aforesaid, did, on the 5th day of September, A. D. 1862, offer violence to the person of one Hezekiah Stokes, of York county, Virginia, a citizen of the United States, while in the peaceful pursuit of his lawful occupation, and did strike, beat, and stab the said Stokes, with intent to kill the said Stokes, of which violence the said Stokes did thereafter die. This near the camp of his Battery, at Yorktown, Virginia."

CHARGE 3d.—"Murder."

Specification 1st—"In this; that Private *Charles Clarke*, Battery H, 1st Regiment Pennsylvania Volunteer Artillery aforesaid, did, on the 5th day of September, A. D. 1862, with clubs, pistols, and knives, beat, shoot, and stab one Hezekiah Stokes, of York county, Virginia, a citizen of the United States, while in the peaceful pursuit of his lawful occupation, and of his own malice did him violence, of which violence the said Stokes did thereafter die."

Specification 2d—"In this; that Private *Charles Clarke*, Battery H, 1st Regiment Pennsylvania Volunteer Artillery aforesaid, on the 5th day of September, A. D. 1862, while divers malicious persons were assaulting, with clubs and pistols and knives, Hezekiah

Stokes aforesaid, and doing him great personal violence, was present, aiding, abetting, and assisting the same, of which violence the said Stokes did thereafter die. This near the camp of the said *Charles Clarke*, at Yorktown, Virginia."

To which charges and specifications the prisoner pleaded as follows:

To the *Specification*, 1st Charge, "Not Guilty."

To the 1st CHARGE, "Not Guilty."

To the *Specification*, 2d Charge, "Not Guilty."

To the 2d CHARGE, "Not Guilty."

To the 1st *Specification*, 3d Charge, "Not Guilty."

To the 2d *Specification*, 3d Charge, "Not Guilty."

To the 3d CHARGE, "Not Guilty."

FINDING.

The Court, after mature deliberation upon the evidence adduced, finds the prisoner as follows:

Of the *Specification* of 1st Charge, "Guilty of quitting his post, though the purpose named in the charge (plunder and pillage) is not proven."

Of the 1st CHARGE, "Guilty of quitting his post."

Of the *Specification*, 2d Charge, "Guilty, excepting the word 'stabbed.'"

Of the 2d CHARGE, "Guilty."

Of the 1st *Specification*, 3d Charge, "Guilty, excepting the words 'knives, shoot, and stab.'"

Of the 2d *Specification*, 3d Charge, "Guilty."

Of the 3d CHARGE, "Guilty."

SENTENCE.

And the Court does therefore sentence him, the said *Charles Clarke*, Battery H, 1st Pennsylvania Volunteer Artillery, "*To be hung by the neck until he is dead, at such time and place as the proper authorities may select.*"

II. In compliance with the 5th section of the act approved July 17, 1862, the proceedings in the cases of Privates *William Dormody* and

Charles Clarke have been submitted to the President of the United States, and the sentences are by him approved, and will be executed under the orders of Major General Dix, commanding the Department of Virginia.

BY ORDER OF THE SECRETARY OF WAR:

L. THOMAS,
Adjutant General.

OFFICIAL:

Assistant Adjutant General.